

RESOLUTION NO. 6806

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UPLAND, CALIFORNIA, ADOPTING REVISIONS TO THE SCHEDULE OF CITY SEWER FEES EFFECTIVE NOVEMBER 1, 2024

**WHEREAS**, the City of Upland (the "City") is a party to the Regional Sewerage Service Contract, whereby the Inland Empire Utilities Agency ("IEUA") provides sewage treatment and disposal services for the City, as well as other contracting agencies, and

**WHEREAS**, the City provides sewage disposal services to its users by operating and maintaining the City's sanitary sewer system, which collects and conveys sewage to IEUA for sewage treatment and disposal; and

**WHEREAS**, the total monthly sewer service fee, as defined in Section 13.32.080 (B) of the Upland Municipal Code, is the sum of the IEUA treatment and disposal charge and the City sewer maintenance charge (collectively "Sewer Service Rates"); and

**WHEREAS**, to sustain the City's sewer maintenance service requirements, with adequate operating reserve and capital for system rehabilitation required to provide continued safe and reliable sewage disposal service, the City determined the current costs exceed the amount collected from consumers and has proposed to increase the rates for sewer service fees based upon the percentage increase in the consumer price index to account for inflation and cost increases, as further described below; and

**WHEREAS**, the increased rates for sewer service will not exceed the costs of providing the sewer service; and

**WHEREAS**, pursuant to Section 13.32.060 of the Upland Municipal Code, the City Council, by a two thirds vote, has the power to revise and collect fees, tolls, rates, rental or other charges for services and facilities furnished by it, either within or without its territorial limits, in connection with the sanitary sewage system; and

**WHEREAS**, pursuant to Article XIII D Section 6 of the California Constitution, forty-five (45) days prior to the public hearing, on or about October 14, 2024, notices of the public hearing were mailed to property owners and tenants directly responsible for the payment of the utility bills; and

**WHEREAS**, at the public hearing conducted on October 14, 2024, the City Council received written and oral testimony regarding the need to approve a consumer price index ("CPI") inflationary increase of 4% based on the annual change in the CPI, as published by the U.S. Department of Labor, Bureau of Labor Statistics, for the Riverside-San Bernardino-Ontario, CA area, the City Council determined that the schedule for Sewer Service Rates shall be adjusted as set forth below.

**WHEREAS**, on the basis of the evidence presented during the public hearing, the City Council has determined that the schedule for the City Sewer Service Rates shall be adjusted as set forth below; and

**WHEREAS**, all legal prerequisites to the adoption of this Resolution have occurred.

**NOW, THEREFORE**, the City Council of the City of Upland hereby finds, determines and resolves as follows:

**Section 1.** All of the facts set forth in the recitals of this Resolution are true and correct and are incorporated herein by this reference.

**Section 2.** Users of the City's sewer service are charged based on the number of Equivalent Dwelling Units (EDUs), as defined in Section 13.32.080(A) of the Upland Municipal Code.

**Section 3.** The total monthly sewer service fee for use of the City's sewer service shall be the sum of the treatment and disposal charge, which is paid to IEUA as a pass-through charge, and the City sewer maintenance service fee or charge.

**Section 4.** Effective November 1, 2024, the monthly Sewer Service Rates shall be set as follows:

<b>Fiscal Year</b>	<b>IEUA Sewer Treatment Component (Pass-Through Rate) (\$/EDU)</b>	<b>City Local Sewer Service Component (\$/EDU)</b>	<b>Total Monthly Sewer Service Fee (\$/EDU)</b>
Rate Effective November 1, 2024	\$25.78	\$11.29	\$37.07

**Section 5.** The charges or fees set forth above will remain in effect until amended by subsequent resolution(s) of the City Council.

**Section 6.** The City Council finds based on the evidence before it that the inflationary increase is for the purposes of the following activities of the City to ensure the continued safe and reliable operation of the sewer disposal services and that such inflationary increase will not cause the Sewer Service Rates to exceed the costs of providing such services to its customers:

- a. Meeting the operating expenses, including employee wages;
- b. Purchasing supplies, equipment and materials;
- c. Obtaining funds for capital projects necessary to maintain service; and

- d. Meeting financial reserve requirements.

**Section 7.** If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Resolution. The City Council hereby declares that it would have adopted this Resolution, and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

**Section 8.** Compliance with California Environmental Quality Act. The City Council finds that this Resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Further, if the activity is deemed a project this City Council finds that this Resolution is exempt pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

**Section 9.** Certification. The City Clerk shall certify the adoption of this Resolution.

**Section 10.** Effective Date. This Resolution shall become effective immediately upon its adoption.

**PASSED, APPROVED and ADOPTED** this 14<sup>th</sup> day of October 2024.

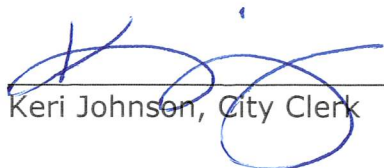


Bill Velto, Mayor

I, Keri Johnson, City Clerk of the City of Upland do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 14th day of October 2024, by the following vote:

AYES: Mayor Velto, Councilmembers Breitling, Garcia, Maust, Zuniga  
NOES: None  
ABSENT: None  
ABSTAINED: None

ATTEST:



Keri Johnson, City Clerk